

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

In re:	§	
	§	
BPP TEXAS, LLC, <i>ET AL.</i> ,	§	Case No. 10-44378
	§	
Debtors.	§	Jointly Administered
	§	

**JOINT MOTION: (I) TO CONTINUE HEARING ON RECEIVER DISCHARGE  
MOTION; AND (II) FOR SPECIAL SETTING ON SAME**

TO THE HONORABLE BRENDA T. RHOADES, CHIEF U.S. BANKRUPTCY JUDGE:

COME NOW BPP Texas, LLC, BPP Illinois, LLC, BPP Iowa, LLC, BPP Michigan, LLC, BPP Minnesota, LLC, and BPP Wisconsin, LLC (collectively, the “Debtors”), together with Jeffrey Kolessar (the “Receiver,” with the Debtors, the “Parties”), and file this their *Joint Motion: (i) to Continue Hearing on Receiver Discharge Motion; and (ii) for Special Setting on Same*, respectfully stating as follows:

1. On December 18, 2014, the Receiver filed his *Receiver’s Motion to Terminate Receivership and Discharge Receiver* [docket no. 514] (the “Motion”) by which, among other things, the Receiver seeks to be discharged from this Court.

2. On January 6, 2015, the Debtors filed their *Debtors’ Objection to Receiver’s Motion to Terminate Receivership and Discharge Receiver* [docket no. 515] (the “Objection”). The primary argument in the Objection is that the Receiver should not receive a discharge until certain information is provided by him to the Debtors.

3. A hearing on the Motion is presently set for January 20, 2015 at 1:30 p.m.

4. The Parties have discussed the Motion and the Objection. They will work in good faith towards resolving the Objection. However, this cannot be done prior to the current January

20th hearing. The Parties therefore request that the Court continue said hearing for approximately six weeks, to afford the Parties additional time to potentially resolve the Motion and the Objection.

5. Should a contested hearing be necessary, the Parties estimate that such a hearing will take approximately three (3) hours. Moreover, all of the Parties and most of their counsel (including the Receiver and his lead counsel) are from out-of-state. Extensive travel planning, arrangements, and expense will therefore be involved for a contested hearing. Accordingly, the Parties request that the Court set the Motion for a special setting in early March, 2015.

6. The Motion concerns only the Receiver and the Debtors. To the extent that any other party had an interest in the Motion, they failed to object to the Motion by the required deadline. Therefore, the Parties submit that this is now a two-party dispute and that no notice of this motion, or hearing on this motion, is required.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that the Court enter an order, an agreed form of which is tendered herewith continuing the January 20th hearing on the Motion and specially setting the Motion for a hearing in early March, 2015.

RESPECTFULLY SUBMITTED this 14th day of January, 2015.

**MUNSCH HARDT KOPF & HARR, P.C.**

By: /s/ Davor Rukavina  
Davor Rukavina  
Texas Bar No. 24030781  
3800 Lincoln Plaza  
500 North Akard Street  
Dallas, Texas 75201-6659  
Telephone: (214) 855-7500  
Facsimile: (214) 855-7584

**ATTORNEYS FOR THE DEBTORS**

-- AND --

**STUTZMAN, BROMBERG, ESSERMAN &  
PLIFKA, A Professional Corporation**

By: /s/ Heather J. Panko  
Sander L. Esserman  
Texas Bar No. 06671500  
Peter C. D'Apice  
Texas Bar No. 05377783  
Heather J. Panko  
Texas Bar No. 24049516  
2323 Bryan Street  
Suite 2200  
Dallas, TX 75201  
Telephone: (214) 969-4900  
Facsimile: (214) 969-4999

**ATTORNEYS FOR THE RECEIVER**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 14th day of January 2015, he caused a true and correct copy of the foregoing pleading to be served electronically by the Court's ECF system on all parties in this case subscribing to the same.

/s/ Davor Rukavina  
Davor Rukavina